

AGENDA

TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, September 18, 2013 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a meeting open to the public on Wednesday, September 18, 2013 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

TOWN COUNCIL REGULAR MEETING AGENDA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

**MAYOR GREG BRYAN
VICE MAYOR AL MONTOYA**

**COUNCILMEMBER BILL FITZGERALD
COUNCILMEMBER JOHN RUETER
COUNCILMEMBER CRAIG SANDERSON**

❖ *One or two Council Members may attend by telephone*

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.

Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Speakers will be limited to three minutes each.

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

Presentation from the Grand Canyon Chamber and Visitors' Bureau

5. CONSENT AGENDA

ITEMS ON THE CONSENT AGENDA ARE ROUTINE IN NATURE AND WILL BE ACTED ON WITH ONE MOTION AND ONE VOTE. PUBLIC HEARING ITEMS ARE DESIGNATED WITH AN ASTERISK (*). MEMBERS OF THE COUNCIL OR STAFF MAY ASK THE MAYOR TO REMOVE ANY ITEM FROM THE CONSENT AGENDA TO BE DISCUSSED AND ACTED UPON SEPARATELY.

A. Minutes of the Town Council Workshop on 9/3/13 and the Regular Meeting on 9/4/13

B. Accounts Payable Billings

6. COMMITTEE REPORTS

A. Update on the Community Park Committee

B. Update on the Planning and Zoning Commission

7. ACTION ITEMS

A. Consideration, discussion, and possible approval of Special Event Liquor License Application from Arizona Trail Association and request to waive Town application fee

B. Consideration, discussion, and possible adoption of Municipal Code Chapter 6 (Animals)

C. Consideration, discussion, and possible action on CDBG Application

D. Discussion of the Stilo Development Project

The Town Council may decide to go into executive session pursuant to A.R.S. § 38-431.03.A.3 and A.4 for legal advice from the Town Attorney on asserting remedies pursuant to the current Stilo Development Agreement and to give the Town Attorney and Town negotiating representatives directions regarding negotiations concerning an amendment to the Stilo Development Agreement.

Following the executive session the Town Council may take action to either approve a conceptual draft First Amendment to the Stilo Development Agreement and direct that such draft be provided for public comment or give the Town Attorney direction regarding asserting remedies under the current Stilo Development Agreement.

8. DISCUSSION ITEMS

None

9. TOWN MANAGER'S REPORT

10. FUTURE AGENDA ITEMS

11. COUNCIL MEMBERS' REPORTS

12. MAYOR'S REPORT

13. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this _____ day of September 2013, at _____ pm in accordance with the statement filed by the Tusayan Town Council.

Signature of person posting the agenda

TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Tuesday, September 3, 2013 at 5:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

TOWN COUNCIL SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bryan called the meeting to order at 5:14pm and the Pledge of Allegiance was recited.

2. ROLL CALL

Upon roll call, the following were present:

MAYOR GREG BRYAN

VICE MAYOR AL MONTOYA

COUNCILMEMBER BILL FITZGERALD – arrived at 5:25pm

COUNCILMEMBER JOHN RUETER – excused

COUNCILMEMBER CRAIG SANDERSON

Also present were:

Will Wright, Town Manager

Melissa Malone, Town Clerk

3. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE

Chapter 3 – Parks and Recreation

Manager Will Wright introduced the Chapter, which the Council has considered in the past. This Chapter will be the basis for Park Rules which will be adopted by Resolution.

4. DISCUSSION OF PARK RULES

Manager Wright introduced his memo dated July 30, 2013 listing possible rules for Tusayan Parks and a draft Resolution regarding Park Rules. The Council made the following changes:

Item 2. Vice Mayor Montoya asked about the language stating that the Town is not responsible for various items. Manager Wright will contact the Town Attorney to determine if the language should be listed as responsible or liable or both.

Councilmember Fitzgerald arrived at 5:25pm.

Item 3. Remove "mayor and or council members" and replace with "Town Hall" and the Town Hall phone number.

The Council will forward the Rules to the Grand Canyon School Board for their consideration after determined here.

Item 4. No Camping

Item 6. All animals must be on a leash and are not allowed in fenced areas at any time. All waste must be removed. (Item 17 will be removed from the list.)

Item 7. Remove "no smoking" since it is covered in Item 16.

Item 12. Add prohibition of shooting paintballs. Remove "discharging" before firearms.

Item 13. Add profane music or language.

Item 14. Delete

Item 15. Add "feeding" after hunting

Item 16. Shall be "No smoking in fenced areas or restrooms"

Item 17. Delete

Item 18. Delete and move only the first half of the sentence to Municipal Code Chapter 13-1-3

Item 19. Add "without permit"

Item 20. Change to "No unauthorized signs allowed"

Item 21. Combine with Item 13

Item 23. Manager Wright will contact the Town Attorney to determine if an age limit should be added and if it should be added that "parents are responsible for the actions of all children"

The Council discussed what language should be included on signs at the park. They determined that the following should be displayed:

- No camping or fires
- Rules available at Town Hall
- Report violations to Sheriff's Office at number
- No alcohol
- No firearms logo
- No camping logo
- Hours of operation

5. DISCUSSION OF JOINING ARIZONA STATE RETIREMENT SYSTEM (ASRS)

Manager Wright gave an overview of the current status of the Town joining ASRS and the Resolutions and Agreements up for consideration on the agenda for the meeting on 9/4/13.

The Council considered the options within the agreements with ASRS and had the following questions which Manager Wright will research:

1. Which ASRS options can Nationwide roll into?
2. Can option 2 include contributions withheld from the employee?
3. What is the definition of part-time?

6. MOTION TO ADJOURN

Vice Mayor Montoya made a motion to adjourn the meeting at 7:27pm.
Councilmember Sanderson seconded the motion and it passed on unanimous vote.

ATTEST:

Greg Bryan, Mayor

Date

Melissa A. Malone, Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Melissa A. Malone, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on September 3, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 11th day of September, 2013.

TOWN CLERK

TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, September 4, 2013 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

TOWN COUNCIL SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bryan called the meeting to order at 6:02pm and the Pledge of Allegiance was recited.

2. ROLL CALL

MAYOR GREG BRYAN

VICE MAYOR AL MONTOYA

COUNCILMEMBER BILL FITZGERALD

COUNCILMEMBER JOHN RUETER

COUNCILMEMBER CRAIG SANDERSON

Also present were:

Will Wright, Town Manager

Melissa Malone, Town Clerk

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Kevin Hartigan of APS spoke about a flood event on Saturday. The basement of McDonald's flooded.

Vice Mayor Montoya spoke to the Council urging them to abbreviate comments and reduce redundancy at Council meetings to make better use of time.

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

None

5. CONSENT AGENDA

A. Minutes of the Town Council Regular Meeting on 8/21/13

B. Accounts Payable Billings

Councilmember Rueter made a motion to approve the Consent Agenda.

Councilmember Fitzgerald seconded the motion and it passed on unanimous vote.

6. COMMITTEE REPORTS

A. Update from the Community Park Committee

Kevin Hartigan, speaking on behalf of the Grand Canyon School District and the Park Committee, gave an update on the Community Park and the work to be done soon.

B. Update from the Planning and Zoning Commission

None

7. ACTION ITEMS

Mayor Bryan announced that Item 7.B. will be moved to the end of the meeting.

A. Consideration, discussion, and possible approval of Special Event Liquor License Application by Kaibab Learning Center and request to waive Town application fee

Manager Wright introduced the application and recommended approval and waiver of the Town fees for the application. Lori Rommel, representing the applicant, described the Special Event.

Councilmember Rueter made a motion to approve the application for a Special Event Liquor License. Councilmember Fitzgerald seconded the motion and it passed on unanimous vote.

Mayor Bryan made a motion to waive the application fee for Kaibab Learning Center since it is a non-profit organization. Councilmember Rueter seconded the motion and it passed on unanimous vote.

C. Consideration, discussion, and possible approval of Resolution 2013-11 establishing Park Rules for the Town of Tusayan

Manager Wright introduced the draft agreement for Park Rules and discussed the information he gathered from the Town Attorney on questions from the Council in last night's Workshop.

Former Mayor Pete Shearer requested that the School District be allowed to review and comment on the rules prior to approval. Mayor Bryan stated that was the intention.

Councilmember Sanderson made a motion to approve the draft Resolution and send it on to the School District for their approval. Vice Mayor Montoya seconded the motion and after a brief discussion, the Council passed it on unanimous vote.

D. Consideration, discussion, and possible approval of Resolutions 2013-12 and 2013-13 and two agreements joining the Arizona State Retirement System (ASRS)

Manager Wright introduced the Resolutions, Agreements, and a memo he had prepared. He made the recommendation that the Council approve the Resolutions and Agreements and the selection of Option 2 (funding the additional costs of benefits for all eligible employees attributable to service before the effective date) in Section 5 in the ASRS Agreement starting coverage on July 1, 2013. He also recommended that the Town not contribute to the Nationwide

Supplemental Plan as discussed previously. He also stated that the decision made here with ASRS is irrevocable.

The Council discussed the options and Manager Wright and Mayor Bryan briefed the Council on conversations with ASRS representatives which took place earlier today.

Councilmember Fitzgerald made a motion to approve Resolutions 2013-12 and 2013-13 and the two agreements required to join ASRS, selecting Option 2 in Section 5 of the ASRS Agreement, and naming the Town Manager as the Town's Representative for the agreements. Vice Mayor Montoya seconded the motion and it passed on unanimous vote.

E. Consideration, discussion, and possible approval of the next phase of the Broadband Project with NI Solutions

Manager Wright introduced the new proposal for \$7,500 from NI Solutions to perform Task 1 (Cost Comparison Analysis) requested by the Council at the last Regular Meeting.

The Council discussed the options and costs proposed. Councilmember Rueter stated that he could not support moving ahead with this proposal. Kevin Hartigan, from APS, stated that the estimate for creating an underground network of \$200,000 is low compared to what it would actually cost.

Manager Wright reported on his conversations with NI Solutions and the justifications presented to him for the costs.

Councilmember Rueter requested that the Council direct Manager Wright to seek proposals from other vendors for this cost comparison analysis. The Council directed Manager Wright to do so.

9. DISCUSSION ITEMS

None

10. TOWN MANAGER'S REPORT

Manager Wright introduced and discussed his Manager's Report which was included in the Agenda Packet. He covered:

- Joining the State Surplus purchasing group
- Possibly joining the Local Government Investment Pool
- CDBG – he received a letter from the Department of Housing confirming conditional reserving of funding. Manager Wright will forward the letter to the Council and will contact the State to clarify a few issues.
- National Geographic mural request. Mayor Bryan suggested that Manager Wright discuss prior CUPs regarding this issue with former Interim Manager Tami Ryall.
- Arizona Trail Gateway Community signage
- Flood Study information
- Continuing issues with the audio/visual equipment and vendor
- Municipal Code Workshops continuing

- General Plan 60-Day comment period (The Council would like the document to come back before the Council before it is sent to other entities.) Richard Turner should red-line changes to highlight them.

11. FUTURE AGENDA ITEMS

- 9/18/13
 - Move the topic of the Municipal Code Chapter 7 to the Workshop on October 1 (and ask Roger Brooks to attend the meeting) and push back the schedule
- 10/2/13
 - Update on AIRS

12. COUNCIL MEMBERS' REPORTS

Councilmember Fitzgerald asked about the service organization signs which have been down since ADOT began improvements on Highway 64 through Town. Mayor Bryan located them but stated that they are in poor condition and should be replaced. He directed the Town Manager to contact ADOT regarding requirements or permits and to contact the Rotary Club, Lions Club, and American Legion about replacing the signs.

13. MAYOR'S REPORT

None

7.B. Discussion of the Stilo Development Project

The Town Council may decide to go into executive session pursuant to A.R.S. § 38-431.03.A.3 and A.4 for legal advice from the Town Attorney on asserting remedies pursuant to the current Stilo Development Agreement and to give the Town Attorney and Town negotiating representatives directions regarding negotiations concerning an amendment to the Stilo Development Agreement.

Following the executive session the Town Council may take action to either approve a conceptual draft First Amendment to the Stilo Development Agreement and direct that such draft be provided for public comment or give the Town Attorney direction regarding asserting remedies under the current Stilo Development Agreement.

At 7:30pm, Councilmember Rueter recused himself from this topic due to his employment with Camper Village and left the meeting

Vice Mayor Montoya made a motion to take the Council into executive session. Councilmember Sanderson seconded the motion it passed on unanimous vote.

The Council discussed the Stilo Development Project with the Town Attorney via phone.

At 9:13pm, Vice Mayor Montoya made a motion to exit executive session and return the Council to open session. Councilmember Sanderson seconded the motion it passed on unanimous vote.

Mayor Bryan made a public statement that The Town Council gave direction to the Town Attorney to cancel mediation and to prepare a final draft of the first amendment to the Stilo Development Agreement for the Council's review at the September 18, 2013 meeting.

14. MOTION TO ADJOURN

Councilmember Fitzgerald made a motion to adjourn the meeting at 9:15pm.
Councilmember Sanderson seconded the motion and it passed on unanimous vote.

ATTEST:

Greg Bryan, Mayor

Date

Melissa A. Malone, Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Melissa Malone, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on September 4, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 5th day of September, 2013.

Town Clerk

ITEM NO. 7A

September 12, 2013

Town of Tusayan
P.O. Box 709, 845 Mustang Drive
Tusayan, Arizona 86023

Dear Mayor & Council,



I would like to respectfully request a fee waiver for a special event liquor license for beer to be served at the finish line of the Flagstaff to Grand Canyon Stagecoach Line Ultra Run on October 20, 2013. As you are probably aware, the Arizona Trail Association is coordinating this first-time event and is expecting ultra runners from around the nation to test their endurance on the Arizona Trail from Flagstaff to Tusayan this autumn. As part of the finish line festivities, we would like to make Arizona Trail Ale (brewed by That Brewery in Pine, Az) available to runners, volunteers and others associated with the event. The finish line will be in the IMAX parking lot, and we have the approval of Janet Rosener, General Manager of the National Geographic Visitor Center, to sell beer there.

Attached please find the liquor license permit application for the Town of Tusayan and the State of Arizona. Because we don't anticipate revenue from beer sales to exceed \$100, I would like to request the fee be waived from the Town of Tusayan.

The mission of the Arizona Trail Association is to build, maintain, promote, protect and sustain the Arizona National Scenic Trail as a unique encounter with the land. One of our most successful outreach efforts over the past three years has been our Gateway Community program. Tusayan is one of the gateway communities along the Arizona Trail, and we work hard to promote Tusayan as a destination to begin and end adventures along the Arizona Trail. Now that the trail is a complete path from Mexico to Utah (over 800 miles) it is becoming the most popular destination for hikers, runners, backpackers, mountain bikers and equestrians.

Experience and research has proven that one of the best ways to introduce the trail community to gateway communities is through participatory events like the Flagstaff to Grand Canyon Stagecoach Line Ultra. Our goal is that participants, volunteers, supporters and others will associate their event experience with the beauty and solitude of the Arizona Trail, and the grand sense of accomplishment when they cross the finish line in Tusayan. As outdoor enthusiasts learn more about the opportunities that exist in the Kaibab National Forest and Grand Canyon National Park, they'll make Tusayan their destination for future adventures. This event has all of the elements to become one of the biggest and best ultra runs in the West, and Tusayan stands as much to gain as anyone from that. After all, what do people want to do after they run 100 miles? Eat, sleep, relax, repeat...

I sincerely appreciate your consideration of this request. Although I am unable to attend the September 18 meeting, I intend on sending a representative to answer any of your questions. Thank you for your time, and for your past support of the Arizona Trail Association and the Arizona National Scenic Trail. I look forward to working together more in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. Nelson".

Matthew J. Nelson
Executive Director



TOWN OF TUSAYAN

on the Edge of Grand Canyon National Park

LIQUOR LICENSE APPLICATION

Non-refundable application fee of \$560 due upon submittal. Please make checks payable to the Town of Tusayan.

1. Name of corporation or person requesting a license:

Arizona Trail Association

2. Business name (dba): Arizona Trail Association

3. Business address: P.O. Box 36736 Phoenix, AZ 85067

(602) 252-4794

Business Phone

matthew@aztrail.org

E-mail address

4. Please describe your business and how the sale of alcohol will be involved.

The Arizona Trail Association is a nonprofit organization whose missions is to build, maintain, promote, protect and sustain the Arizona National Scenic Trail as a unique encounter with the land. One of our goals is to promote the gateway communities near the Trail to encourage sustainable ecotourism. Tusayan is one of our gateway communities and we are invested in a healthy future of the town for locals and visitors alike. One of our most successful vehicles for outreach is the promotion of events within gateway communities. On Oct 19-20 we are hosting the "Flagstaff to Grand Canyon Stagecoach Line Ultra" a 100-mile run and relay along the Arizona Trail, with the finish line in downtown Tusayan. We would like to distribute beer (Arizona Trail Ale from That Brewery in Pine, Az) to participants, volunteers and crew members over 21 years of age within a secure area within the IMAX parking lot. Due to state liquor laws the Arizona Trail Association cannot distribute the beer free of charge, therefore we would like to make it available for a nominal amount (\$1-2 per 12 oz. serving). We anticipate the total income from beer sales to be approximately \$100. The beer will be donated from the brewery and all proceeds will benefit the Arizona Trail Association.

5. Name of the person compiling this form:

Nelson

Last

Matthew

First

J

Middle Initial

Residence:

14642 W. Winthrop Rd. Tucson AZ 85736 (this is not a mailing address)

Street Address

City

State

Zip Code

Contact Information:

()

Home Phone

(602) 404-7992

Cell Phone

(602) 252-4794

Business Phone

6. Have you ever been arrested for, convicted of, or plead guilty or no contest to a violation of any law other than a misdemeanor traffic violation in the past 10 years?

☐ Yes

☒ No

☐ Yes

☒ No

If "yes," please provide details on the incident(s) including how the matter was resolved.

7. Please list all persons having any ownership interest in the business, or in the profits of the business. This includes persons with less than a 10% interest.

last	First	Middle	% Owned	Mailing Address	City/State/Zip
n/a nonprofit organization					

*Attach additional sheet if necessary.

8. Provide information about the purchase of the business. Provide complete details on the source of any and all funding.

- a. When was the business purchased? n/a
b. How much was it purchased for? n/a
c. What did the purchase include? n/a

- d. Was the purchase of a liquor license included? ☐ Yes ☒ No
If not included in the purchase of the business, what was the cost of the license? _____

9. If the license is denied, will the business be operated without liquor sales? ☐ Yes ☒ No

10. What are the planned hours of operation for the business if a liquor license is obtained?

Weekdays: _____
Weekends: - Sunday, October 20 (12 pm - 8 pm) -

11. Will the business include dancing, live entertainment, adult entertainment, outdoor dining, outdoor alcohol consumption, pool tables, coin-operated games or automotive fuel sales?

☐ Yes ☒ No

If "yes," explain the nature of such activities as it relates to the business.

12. What type of Liquor License is being requested? Special event (1 day)

13. Is this business currently in operation? ☒ Yes ☐ No
If "no," what is the anticipated opening date? _____

14. Business Zoning Designation: n/a

Does the business require rezoning? ☐ Yes ☒ No
If "yes," has the rezoning process begun? ☐ Yes ☐ No

15. Do you plan on modifying the existing building? ☐ Yes ☒ No

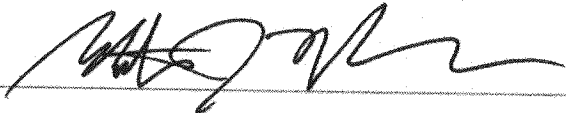
Please attach a copy of the existing site plan and floor plan(s) for the current building.

If "yes," have you received the proper building permits? ☐ Yes ☐ No

Please attach copies of the proposed site plan and floor plan(s).

Full and complete answers to these questions are important for a full and fair review of the application. Please attach additional information and sheets if you need additional space on the application to provide full and complete information on the questions presented.

Pursuant to A.R.S. §§ 13-2703 and 13-2002, I swear or affirm I have read all of the above questions and have personally provided all of the information to the best of my knowledge and belief and that all of it is true. I understand that all information regarding ownership of the business is very important and relevant to the processing of my application. I understand that if I provide any false information in this application, it may result in either a recommendation of disapproval of this application by the Town of Tusayan, criminal charges being filed against me, or both.



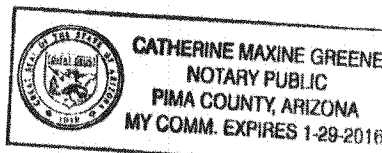
(Signature of person filling out this form)

Tillis sworn statement is given under oath or affirmation pursuant to A.R.S. § 13-2701(3).

STATE OF ARIZONA)
) ss.

County of Coconino)

SUBSCRIBED AND SWORN TO before me this 12 day of September, 2013, by Matthew Nelson




Notary Public

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix, Arizona 85007-2934
(602) 542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day for 1-10 day events only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
PLEASE ALLOW 10 BUSINESS DAYS FOR PROCESSING.

****Application must be approved by local government before submission to Department of Liquor Licenses and Control. (Section #20)**

DLLC USE ONLY
LICENSE #

1. Name of Organization: Arizona Trail Association
2. Non-Profit/I.R.S. Tax Exempt Number: 86-0762149
3. The organization is a: (check one box only)
- ☒ Charitable ☐ Fraternal (must have regular membership and in existence for over 5 years)
- ☐ Civic ☐ Religious ☐ Political Party, Ballot Measure, or Campaign Committee
4. What is the purpose of this event? ☒ on-site consumption ☐ off-site consumption (auction) ☐ both
- fund raising event for the Arizona Trail Association

5. Location of the event: 450 State Route 64 Tusayan Coconino 86023
- Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Nelson Matthew James 11/17/1974
- Last First Middle Date of Birth
7. Applicant's Mailing Address: P.O. Box 36736 Phoenix AZ 85067
- Street City State Zip
8. Phone Numbers: (928) 638-2468 (602) 252-4794 (520) 404-7992
- Site Owner # Applicant's Business # Applicant's Home #
9. Date(s) & Hours of Event: (see A.R.S. 4-244(15) and (17) for legal hours of service)

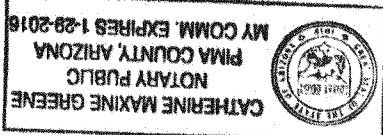
	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>10/20/2013</u>	<u>Sunday</u>	<u>10 am</u>	<u>8 pm</u>
Day 2:	<u></u>	<u></u>	<u></u>	<u></u>
Day 3:	<u></u>	<u></u>	<u></u>	<u></u>
Day 4:	<u></u>	<u></u>	<u></u>	<u></u>
Day 5:	<u></u>	<u></u>	<u></u>	<u></u>
Day 6:	<u></u>	<u></u>	<u></u>	<u></u>
Day 7:	<u></u>	<u></u>	<u></u>	<u></u>
Day 8:	<u></u>	<u></u>	<u></u>	<u></u>
Day 9:	<u></u>	<u></u>	<u></u>	<u></u>

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Matthew James Nelson declare that I am an Officer/Director/Chairperson appointing the
(Print full name)
applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] Executive Director 9/12/2013 (520) 404-7992
(Signature) (Title/Position) (Date) (Phone #)



State of

Arizona County of Pima

The foregoing instrument was acknowledged before me this

My Commission expires on:

January 29, 2016
September 12, 2013
(Date)

12 September 2013
Day Month Year

Catherine Maxine Green
(Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Matthew James Nelson declare that I am the APPLICANT filing this application as
(Print full name)
listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature]
(Signature)

State of Arizona County of Pima
The foregoing instrument was acknowledged before me this



CATHERINE MAXINE GREEN
NOTARY PUBLIC
PIMA COUNTY, ARIZONA
MY COMM. EXPIRES 1-29-2016

My commission expires on:

January 29, 2016
(Date)

12 September 2013
Day Month Year

Catherine Maxine Green
(Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
(Government Official) (Title)
on behalf of _____
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

☐ APPROVED

☐ DISAPPROVED

BY:

(Title)

(Date)



APPROXIMATE
SCALE
1 INCH = 1 FOOT

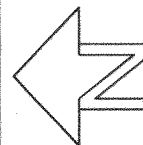


FIGURE 2: TUSAYAN FINISH LINE AREA
WITH DIMENSIONS

ITEM NO. 7B

CHAPTER 6
ANIMALS

ARTICLE 6-1

ANIMAL CONTROL

- 6-1-1 Animals at Large
- 6-1-2 Dogs at Large
- 6-1-3 Waste Removal Required
- 6-1-4 Licensing of Dogs
- 6-1-5 Excessive Noise caused by Animals or Birds
- 6-1-6 Stray Animals
- 6-1-7 Protection of Animals by Town
- 6-1-8 Penalty (2008-A355)

SECTION 6-1-1 ANIMALS AT LARGE

SECTION ONE

1. "AT LARGE" means on or off the premises of an owner and not under the control of the owner, or other person acting for the owner, either by a leash, cord, rope, chain, or invisible fencing. Any dog confined shall not be considered to be running at large if it is confined in the premises by a suitable enclosure.
2. "OWNER" means any person owning, harboring, keeping, possessing or maintaining a dog within the unincorporated areas of the County.
3. "DOG" any animal belonging to the canine family, including wolf-hybrid, wolves, foxes, coyote-hybrid that are receptive to rabies.
4. "STRAY DOG" means any dog four months of age or older running at large that is not wearing a valid Coconino County license tag.
5. "SUITABLE ENCLOSURE" must consist of proper fencing that is maintained and appropriate for the keeping of a dog, proper locking mechanism, proper height, and built in such a way that a dog cannot dig or crawl under fencing. A suitable enclosure may include an invisible fence that is properly maintained, or a dog run that allows the dog to comfortably move around but does not allows the dog to jump over the top or dig under. If a suitable enclosure is not available, such dog shall be restrained by a leash, cord, rope, or chain that is at least 10 feet in length and moves in such a way not to tangle the dog and shall be confined within the boundaries of the owner's property.
6. "VICIOUS DOG" means:
 - a. any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings without provocation or domestic animals, including livestock; or,
 - b. any dog which attacks a human being, domestic animal, or livestock without provocation; or,
 - c. any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 - d. any dog that has been declared to be vicious after a hearing before a justice of the peace, city magistrate or a county hearing officer.

SECTION TWO

WHEREAS, A.R.S. 11-1005 (A) (4) authorizes the Board of Supervisors of a County to regulate, restrain, and prohibit the running at large of dogs within the unincorporated areas of the County.

WHEREAS, such section authorizes the Board of Supervisors to impose penalties upon the owner of such dogs when such owner's dog is, contrary to law, running at large within the unincorporated areas of the County.

The Board of Supervisors of Coconino County therefore resolves that the following regulations restraining and prohibiting the running at large of dogs shall apply to the unincorporated areas of Coconino County, and the following penalties shall be imposed upon the owner, or other person acting for the owner, of such dogs.

SECTION THREE

The owner, or other person acting for the owner of a dog shall at all times keep such dog from being or running at large upon the streets, sidewalks, alleys, or public property of unincorporated areas of the County, unless such dog is restrained by a leash, cord, rope or chain of not more than 6 feet in length and of sufficient strength to control the action of the dog. This provision also includes land under the control of both State and Federal Government.

The owner or person acting for the owner, of a dog shall at all times keep such dog from being or running at large upon or about the private premises of any person who has not granted permission therefore.

While the dog is on the owner's property, such dog shall be confined within the owner's property by a suitable enclosure. A suitable enclosure must consist of proper fencing that is maintained and appropriate for the keeping of a dog, proper locking mechanism, proper height, and built in such a way that a dog cannot dig or crawl under fencing. Suitable enclosure may include an: invisible fence that is properly maintained, or a dog run that allows the dog to comfortably move around but does not allow the dog to jump over the top or dig under. If a suitable enclosure is not available, such dog shall be restrained by a leash, cord, rope, or chain that is at least 10 feet in length and moves in such a way not to tangle the dog and shall be confined within the boundaries of the owner's property.

SECTION FOUR

The County Board of Supervisors shall employ a County enforcement agent and provide such personnel and equipment as is necessary to enforce the provisions of this Ordinance.

Any dog, licensed or unlicensed, any stray, or any vicious dog being or running at large may be apprehended and impounded by the County enforcement agent. The County enforcement agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large; however, such entrance upon private property shall be in a reasonable pursuit of such dog. It is unlawful for any person to interfere with the County enforcement agent in the performance of his/her duties.

The County enforcement agent may issue citation(s) to the owner, or other person acting for the owner, when the dog is at large. The procedure of the issuance of a notice to appear shall be provided by a peace officer in A.R.S 13-3903, except the County enforcement officer shall not make an arrest before issue the notice. The issuance of citations(s) pursuant to this Ordinance shall be subject to the provisions of A.R.S. 13-3899.

SECTION FIVE

Injury to any person or damage to any property including domestic and wild animals, by a dog while running at large shall be the full responsibility of the dog owner, or persons responsible for the dog when such damages were inflicted.

SECTION SIX

The owner, or any person acting for the owner, found to have been in violation of the provisions of Section 3 of the Ordinance is guilty of a class 2 misdemeanor and shall be subject to a fine, plus applicable cost and surcharge as follows: for the first offense, a fine of not less than twenty five dollars (\$25.00) no more than seven hundred and fifty (\$750.00); for the second offense a fine of not less than fifty dollars (\$50.00) no more than seven hundred and fifty dollars (\$750.00); for the third offense a fine of not less than one hundred dollars (\$100.00) no more than seven hundred and fifty dollars (\$750.00); for the fourth and subsequent offenses a fine of not less than two hundred dollars (\$200.00) no more than seven hundred and fifty dollars (\$750.00). ARS 13-810 provides that if a defendant fails to pay a fine or restitution, the court may, on motion of the prosecutor, a person entitled to restitution or on its own motion, require the defendant to show cause why his/her default should not be treated as contempt and may issue a summons or warrant of arrest for the defendant's appearance. If the court finds that the defendant has willfully failed to pay, the court can order the defendant put in jail until the fine has been paid or enter an order for garnishment pursuant to ARS 13-812. If the court finds that the default is not willful and that the defendant cannot pay despite sufficient good faith efforts to find the monies, the court has a number of options, including modifying the manner in which the fine or restitution is to be paid.

SECTION SEVEN

No person owning or harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

No person shall own or harbor any dog for the purpose of fighting or train, torment, badger, bait for use any dog for the purpose of dog fighting or for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

No person shall suffer or permit a vicious dog to be unconfined. A vicious dog is "unconfined" as the term is used in this section if, while on premises of its owner or harborer, such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises described in this ordinance.

Such pen or dog run area must be adequate to insure the confinement of such dog upon said premises.

All persons who own a vicious dog are subject to the provisions of A.R.S. 13-1208.

SECTION EIGHT

The owner, or any person acting for the owner, found to have been in violation of the provisions of Section Seven shall be subject to a fine, plus applicable cost and surcharge, as follows: for the first offense, a fine of not less than one hundred dollars(\$100.00) no more than seven hundred and fifty dollars(\$750.00) ; for the second offense, a fine of not less than two hundred dollars (\$200.00) no more than seven hundred and fifty dollars (\$750.00); for the third offense, a fine of not less than three hundred dollars (\$300.00) no more than seven hundred and fifty dollars (\$750.00). ARS 13-810 provides that if a defendant fails to pay a fine or restitution, the court may, on motion of the prosecutor, a person entitled to restitution or on its own motion, require the defendant to show cause why his/her default should not be treated as contempt and may issue a summons or warrant of arrest for the defendant's appearance. If the court finds that the defendant has willfully failed to pay, the court can order the defendant put in jail until the fine has been paid or enter an order for garnishment pursuant to ARS 13-812. If the court finds that the default is not willful and that the defendant cannot pay despite sufficient good faith efforts to find the monies, the court has a number of options, including modifying the manner in which the fine or restitution is to be paid.

SECTION NINE

If, after having held a hearing, it is determined by a justice of peace, city magistrate or county hearing officer, that any licensed or unlicensed dog running at large, or any stray dog, is vicious and a threat to human safety, such dog(s) may be immediately destroyed in a humane manner.

SECTION TEN

A dog may be running at large while participating in field trails and/or obedience classes, while assisting its owner or trainer in legal hunting or in herding livestock, while assisting a peace officer engaged in law enforcement duties, and while assisting its disabled owner, so long as such dog is under direct and effective voice control of such individual to assure that they do not violate any other provisions of the law and this ordinance.

SECTION 6-1-2 DOGS AT LARGE

- A. A dog shall be deemed "at large" if (i) the dog is not under the verbal control of its owner or the person responsible for its care, or (ii) the dog is unleashed at a distance greater than twenty feet from its owner or the person responsible for its care. A dog is not at large if it is unrestrained on the property or residence of the owner or person responsible for its care.
- B. It is unlawful for an owner or person responsible for the care of a dog to permit it to be at large within the town limits. Evidence that the person permitted the dog to be at large may be shown from prior verbal or written warnings by the ACO or marshal's office, complaints from adjoining or neighborhood property owners or public complaint to the ACO or marshal's office that the dog was observed loose or unattended, the owner or responsible person allowed the dog to be in a public place without any physical restraints, or that the dog was being maintained on the property or residence of the owner or responsible party without sufficient or reasonable enclosures or restraints after being notified that the dog had been leaving the property.
- C. Dogs may be at large as an exception to this section as follows:
 - 1. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
 - 2. While being used or trained for legal hunting or control of livestock.
 - 3. While assisting a peace officer engaged in law enforcement duties.

4. Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

SECTION 6-1-3 WASTE REMOVAL REQUIRED

- A. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to guide dogs for blind persons or persons with mobility disabilities.
- B. It shall be unlawful for the owner or person having custody of any dog to deposit, cause to be deposited or allow solid waste from dogs to accumulate within or about such premises for longer time than forty-eight hours. This provision is to include animal waste on private property, including property owned, leased, or controlled by the owner of the dog.

SECTION 6-1-4 LICENSING OF DOGS

- A. Each dog four months of age or over that is kept, harbored, or maintained within the town limits for at least thirty consecutive days shall be licensed by the town or designated entity. Fees and penalties for licenses shall be established by resolution of the Council, Coconino County shall provide durable dog tags, license number, and expiration date. Before a license is issued, the owner must present a rabies vaccination certificate signed by a licensed veterinarian stating the owner's name and address and giving the dog's description, date of vaccinations, types, manufacturer, and serial number of the vaccine and the date the revaccination is due.
- B. It is unlawful for any person who fails within fifteen days after notification by the ACO, verbally or in writing, to obtain a license for a dog required to be licensed under this article or as may otherwise be required by law, or to remove a dog tag from a dog required to be licensed, or to place a dog tag on a dog other than the dog for which the license was issued.

SECTION 6-1-5 EXCESSIVE NOISE CAUSED BY ANIMALS OR BIRDS

It is unlawful for any person to own, possess, harbor, or control any animal or bird which frequently or for continuous duration barks, howls, meows, squawks, or makes other aggravating noises if they are clearly audible beyond the property line of the property on which they are conducted and they unreasonably disturb the peace and quiet of the neighborhood.

SECTION 6-1-6 STRAY ANIMALS

Any person who keeps or causes to be kept any horse, mule, cattle, burro, goat, sheep, swine (including potbellied pigs), or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent the animal from being at large within Town limits. Any such animal found at large may be impounded, with the cost for care to be paid by the owners or responsible parties, and a citation for animal at large may be issued.

SECTION 6-1-7 PROTECTION OF ANIMALS BY TOWN

- A. Any peace officer or authorized Tusayan Animal Control Officer or other designated town enforcement agent(s) is authorized to enforce ARS §13-2910, Cruelty to animals and its subsections, as may be amended, and to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within a vehicle or other enclosed space.

- B. No peace officer or any Tusayan Animal Control Officer or other designated town enforcement agents shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.
- C. Any peace officer or any Tusayan Animal Control Officer or other designated town enforcement agent(s) is authorized and empowered to remove and impound any animal in plain view and suffering from life threatening exigent circumstances. The owner of any animal removed or impounded under the provisions of this article or the applicable state law shall be liable for any impoundment, boarding, or veterinary fees incurred in connection therewith.

SECTION 6-1-8 PENALTY

- A. Any person who violates or fails to comply with any provision of this article shall be guilty of a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.
- B. Tusayan Animal Control Officer or other designated town enforcement agent(s) may, in addition to the procedures prescribed in this section, impound or cause to be impounded any dog, livestock, or poultry running at large contrary to the provisions of this article.
 - 1. Upon the impounding of any animal, the owner, if known, shall be immediately notified in person, by telephone, or by mail, and may reclaim such animal upon payment of all costs and charges incurred in picking up, impounding, and maintaining the animal.
 - 2. Any licensed dog unclaimed within seven days of its impoundment may be placed for adoption or humanely destroyed within the discretion of Tusayan Animal Control.
 - 3. Any unlicensed dog unclaimed within five days may be placed for adoption or humanely destroyed within the discretion of Tusayan Animal Control.
 - 4. Any livestock requiring impoundment will be turned over to the Arizona Department of Agriculture, Livestock Division.

ARTICLE 6-2

VICIOUS, DESTRUCTIVE OR DANGEROUS ANIMALS

- Section 6-2-1 Vicious or Destructive Animals
- Section 6-2-2 Violations; Penalty
- Section 6-2-3 Dangerous Animals; Definition
- Section 6-2-4 Declaring an Animal Dangerous; notice
- Section 6-2-5 Hearing; Burden of Proof; Appeal
- Section 6-2-6 Order of Compliance
- Section 6-2-7 Consent to Inspection; Inspection; Order of Compliance; Seizure
- Section 6-2-8 Required Acts and Unlawful Activities
- Section 6-2-9 Minimum Penalties; Enhancement
- Section 6-2-10 Authority to Enforce, Remove, and Impound

SECTION 6-2-1 VICIOUS OR DESTRUCTIVE ANIMALS

It is unlawful for any person to keep, control, harbor, or otherwise have under control any animal which is vicious or destructive. This article shall not apply to zoos, wild animal parks, or animal shelters, or to persons who are in compliance with an order of the town magistrate, issued pursuant to this section.

SECTION 6-2-2 VIOLATIONS; PENALTY

- A. The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals, or destroys, damages, or causes damage to the property of another is guilty of a class 1 misdemeanor.
- B. An owner of an animal charged with a violation of this article shall produce that animal for inspection or impoundment upon the request of the Tusayan Animal Control or other designated town enforcement agent. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.
- C. It is unlawful for any person to fail to comply with an order of the magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such a person fails to comply with the magistrate's order.
- D. A violation of any provision of this article is punishable by a fine of up to two thousand five hundred dollars (\$2,500), six months in jail, three years' probation or any combination thereof. The magistrate may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed.
- E. In addition to the above sanctions, upon the declaration of an animal as vicious or destructive, the magistrate shall order the owner to do one or more of the following:
 - 1. The animal shall be kept in an enclosure that is high enough so that the animal cannot bite, harm, or injure anyone outside the enclosure. The enclosure and property whereon it is located shall be posted with conspicuous signs, and at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of an adult human being; or
 - 2. The animal be banished from the town limits; or
 - 3. The animal be spayed or neutered at the owner's expense; or
 - 4. The animal be humanely destroyed; or
 - 5. Restitution up to one thousand dollars (\$1,000) may be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim.
- F. It shall be an affirmative defense to the provisions of this article if the animal is:
 - 1. Not at large and there is provocation; or
 - 2. The dog is a police dog under the command of its trainer.
- G. In any proceeding brought to enforce a violation of this article, the following procedure shall be used.

1. A Tusayan Animal Control Officer or other designated town enforcement agent, upon determining that any animal within the town limits is vicious and is an immediate danger to the safety of any person or other animal, may impound the animal immediately.
2. Within ten days of the date of impoundment, the town magistrate shall conduct a hearing provided under this article.

The owner of the animal shall be notified of this hearing by the court. Upon proof of such notification, such hearing may proceed in the owner's absence.

SECTION 6-2-3 DANGEROUS ANIMALS

Definitions:

- A. A dangerous animal means one which has been declared to be vicious or destructive pursuant to this article or displays or has a tendency, disposition, or propensity, as determined by the town enforcement agent, to:
 1. Injure, bite, attack, chase, or charge, or attempt to injure, bite, attack, chase, or charge a person or domestic animal in a threatening manner; or
 2. Bare its teeth or approach a person or domestic animal in a threatening manner.
- B. A dangerous animal does not include an animal used in law enforcement, nor does this article apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians, or wild animals.

SECTION 6-2-4 DECLARING AN ANIMAL DANGEROUS; NOTICE

- A. Tusayan Animal Control shall develop guidelines to determine if an animal is a dangerous animal.
- B. Whenever an animal control officer has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted.
- C. If Tusayan Animal Control declares that an animal is dangerous; the owner shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, the owner shall be provided with a written notice of the owner's right to file, within five days of receipt of the notice, a written request with animal control for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice (including notice that the animal could be destroyed if the owner fails to appear at the hearing) shall be posted on the owner's property or mailed forthwith to the owner at the owner's last known address by registered or certified mail, return receipt requested.

SECTION 6-2-5 HEARING; BURDEN OF PROOF; APPEAL

- A. The owner of the animal may request a hearing to contest the declaration of dangerousness or contest the confinement conditions ordered by animal control.
- B. If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to animal control to be humanely destroyed.
- C. If the owner of a non-impounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.
- D. After request for a hearing, Animal Control shall set a hearing date within five working days at a time and place designated by the animal control officer or town enforcement agent. The hearing shall be conducted by a hearing officer selected by Animal Control.
- E. The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The rules of evidence do not apply, and hearsay is admissible.

- F. It is the burden of the owner of the animal to establish by a preponderance of the evidence that the animal is not dangerous. The owner may be represented by counsel and present witnesses at the owner's cost.
- G. The hearing officer shall make a written decision within five working days of the hearing and notify the owner of the animal of the decision.
- H. If the decision of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the enforcement agent within the time given by the order of compliance or ten days whichever is more.
- I. If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent Tusayan Animal Control or other town enforcement agent from declaring an animal dangerous again if the agent has additional reasons to believe the animal is dangerous after a new evaluation of the animal is conducted.
- J. Appeal of the decision of the hearing officer shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than thirty days after the decision.

SECTION 6-2-6 ORDER OF COMPLIANCE

- A. When an animal is declared dangerous, animal control shall issue an order of compliance requiring the owner within thirty days to:
 - 1. Confine the animal sufficiently to prevent the animal's escape as follows:
 - a. The animal control officer shall determine the appropriate fencing requirements for the size and nature of the animal. The animal control officer may require a fence including gates to be six feet in height; the fence from five feet in height to six feet in height to incline to the inside of the confinement area at a forty-five degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.
 - b. The animal control officer may require the bottom of the confinement area to be concrete, cement or asphalt, or of blocks or bricks set in concrete or cement; or if such bottom is not provided then a footing of such material shall be placed along the whole perimeter of the confinement area to the depth of one foot below ground level, or deeper if required by the animal control officer.
 - c. The gates of the confinement area shall be locked at all times with a padlock except while entering or exiting.
 - d. The animal control officer may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.
 - 2. Muzzle and restrain the animal outside the confinement area with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal and under the control of a person capable of preventing the animal from engaging in any prohibited behavior.
 - 3. Post a sign on every gate or entry way to the confinement area stating "Beware of Dangerous Animal, Per Tusayan Animal Control Code Chapter 6."
 - 4. Obtain and maintain liability insurance in a single incident amount of one hundred thousand dollars (\$100,000) to cover any damage or injury that may be caused by the dangerous animal. The animal control officer shall maintain a registry of the animals, owners and insurance carrier for each dangerous animal.
 - 5. Pay the reasonable cost to animal control to tattoo the animal with an identification number or have an identification chip implanted in the animal. The animal control officer shall maintain a registry of such numbers and the owners of the animals.

6. Have a licensed veterinarian spay or neuter the animal at the owner's expense. The owner shall obtain written certification signed by the veterinarian that the spaying or neutering has been performed.

SECTION 6-2-7 CONSENT TO INSPECTION; INSPECTION; ORDER OF COMPLIANCE; SEIZURE

- A. By continuing to own an animal declared dangerous, an owner gives consent to the Tusayan Animal Control or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept, the liability insurance documents required for the animal, and the veterinarian's certificate of spaying or neutering for the animal.
- B. The animal control officer may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Five days after the seizure, the animal control officer may humanely destroy the animal unless the owner has demonstrated obedience to the order of compliance. The owner of the animal is responsible for any impound fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed, then the animal will be returned to the owner after payment of impound fees. Any action under this article shall be in addition to any available penalties.

SECTION 6-2-8 REQUIRED ACTS AND UNLAWFUL ACTIVITIES

- A. An owner of an animal declared dangerous shall obey the order of compliance.
- B. An owner of an animal declared dangerous shall not sell, give away, abandon, or otherwise dispose of the animal without notifying Tusayan Animal Control in writing in advance.
- C. An owner of an animal declared to be dangerous shall provide proof of liability insurance and the veterinarian's certificate of spaying or neutering to Animal Control upon demand.
- D. An owner of an animal declared to be dangerous shall not prevent or try to prevent inspection of the animal or the premise where the animal is kept.
- E. When the owner of an animal is notified that Tusayan Animal Control is evaluating an animal or wants to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall present the animal for inspection within twenty-four hours of a request by Animal Control. The owner shall not sell, give away, hide, or otherwise prevent animal control from making an evaluation of the animal.
- F. The owner of an animal declared to be dangerous shall prevent the animal from running at large as defined in this chapter.
- G. The owner of an animal declared to be dangerous shall prevent the animal from biting, injuring, or attacking any person or domestic animal outside of the confinement area.

SECTION 6-2-9 MINIMUM PENALTIES; ENHANCEMENT

- A. Whenever in this article any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do an act is declared to be unlawful, the violation of such provision is a misdemeanor punishable, except for the penalties already set forth herein, by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and/or by imprisonment of not more than six months. The judge may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed. In addition, a person may be placed on probation for not more than three years. The permitted fines set forth in this Section shall not be construed in any way to require only the imposition of the minimum mandatory penalties provided herein.
- B. Each day any violation continues or occurs shall constitute a separate offense.

SECTION 6-2-10 AUTHORITY TO ENFORCE, REMOVE AND IMPOUND

A. Authority to enforce

Any peace officer or Tusayan Animal Control Officer or other designated town enforcement agent is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof. Tusayan Animal Control shall have primary responsibility for the enforcement of this chapter.

B. Authority to Impound

1. If a peace officer or a Tusayan Animal Control Officer or other designated town enforcement agent has issued a citation for a violation of this chapter or of the Arizona Revised Statutes, and reasonably believes that the violation will continue, the officer is authorized and empowered to remove and impound the animal.
2. The owner of any animal removed and impounded under the provisions of this chapter shall be liable for any impoundment, boarding, or veterinary fees incurred in connections therewith.

ITEM NO. 7C

JANICE K. BREWER
Governor



MICHAEL TRAILOR
Director

STATE OF ARIZONA
DEPARTMENT OF HOUSING

1110 WEST WASHINGTON, SUITE 310
PHOENIX, ARIZONA 85007

(602) 771-1000 WWW.AZHOUSING.GOV
FAX: (602) 771-1002

September 3, 2013

Town of Tusayan
Attention: Tami Ryall, Town Manager
P.O. Box 709
Tusayan, AZ 86023

RE: **FY2013 Community Development Block Grant RA Application**
Park ADA Improvements
Initial response due: October 3, 2013
ERR completion due: January 3, 2014

Dear Ms. Ryall:

Congratulations! The Arizona Department of Housing has approved your CDBG RA application for a conditional reservation of funding.

Detailed information regarding the reservation amounts and contingencies that must be addressed before a contract can be prepared is on the attached CDBG Reservation and Contingency Form.

In order to finalize this commitment, we would appreciate your response to the action items and written acceptance or declination of this reservation no later than **October 3, 2013**. Your correspondence should also include a response to each item identified as an action in the Concerns and Action section of the attached form.

The Department looks forward to working with you on this project. If you have any questions, please contact me at (602) 771-1021 or kathy.blodgett@azhousing.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Blodgett".

Kathy Blodgett
Community Development and Revitalization Administrator

cc: Isabel Rollins, NACOG
Tracy Bouvier, NACOG
Noël Schaus, Community Development and Revitalization Specialist

Concerns and/or Action Items

During the review of the application, the Department has identified issues of concern. The concerns noted with an action strategy must be addressed and resolved prior to entering into contract.

- 1) The Town has 120 days from the date of this letter to complete the ERR (have a copy of the signed E-13 Authority to Use Grant Funds document).
- 2) Form 2 – please identify Irma Ermakova's title
- 3) Form 3 – ADOH recommends moving all or a portion of the ERR costs to Activity 2 so we can show project expenditure early on.
- 4) Form 3 shows \$217,727 for construction contract work – does the Town believe it will be able to purchase the 3 restrooms along with the installation of the structures and the construction work of other SOW items? (How many separate procurements might there be?)
- 5) Question: Are the electrical and lighting items (on page 5's conceptual budget) part of the installation of the restrooms?
- 6) Form 5 – We may need to firm up the SOW a bit to include all ADA items that are to be included (make sure parking area is accessible, striped, signed appropriately), include the truncated domes, sidewalk, drinking fountains, 3 prefab restrooms (and electrical/lighting needed).
- 7) Question: When does the Town plan to bring water utility to the site? Which funds have been committed to this?
- 8) Page 33 has a Draft Facility Use Policy (no signature lines; needs to be signed by the School Board and/or the Town Council?)
- 9) Because the School District will officially own the improvements, ADOH will require a Funding Agreement between the Town and the School District establishing the amount of funds to be invested and need for 5 years' benefit from the CDBG funds invested.
- 10) Public Participation – please provide a copy of the Affidavit of Publication for the P-4
- 11) Photos – Please provide additional photos of the existing park (the sidewalks, parking area, tables, sports courts)
- 12) Do the Town's plans include a preliminary drawing or site layout of the proposed park improvements? If so, please provide a copy to ADOH.
- 13) **Special Conditions:** Prior to the final Request for Payment, TOWN agrees to provide ADOH with a signed certification that all facilities assisted by this grant comply with ADA requirements. The Town's certification will serve as documentation that no future CDBG funds for ADA accessibility will be needed, requested, or granted for projects at this site (unless new ADA requirements are adopted after the date of the approved architectural/engineering design for this project).

**CD&R PROGRAM
RESERVATION AND CONTINGENCY FORM
CDBG**

Program Reservation Details

Town of Tusayan

Park ADA Improvements

Activity 1 – Administrative Funds

The State has reserved \$30,000 from CDBG FY2013 Regional Account dollars for general administration. Approved uses include: all required administrative actions to include requisite record keeping, reporting, monitoring and all other actions necessary to ensure compliance with CDBG Program requirements as identified in 24 CFR 570.500-570.614 and current Arizona Department of Housing Handbooks.

Activity 2 – Project Funds

The State has reserved \$235,727 from CDBG FY2013 Regional Account dollars for project funding. Approved uses include: Architectural/engineering fees and construction contract work (includes materials and DB wages).

Contingency Issues

This reservation is contingent upon:

A. CDBG funds used for the following ADA improvements at the community park located at 330 Long Jim Loop in Tusayan:

- Competitively procure design/engineering services;
- Purchase and install three ADA-compliant pre-fabricated restroom structures and ADA-compliant drinking fountains; and
- Competitively procure a contractor to construct ___ l.f. of ADA-compliant sidewalks and truncated domes
- Lighting and electrical improvements?
- Water to the site?

B. The activity meeting the Low-Mod Income (LMI) national objective and benefitting approximately 170 people, of whom 170 (or 100%) are disabled and thus considered low-to moderate income.

C. Satisfactory ERR completed prior to execution of a funding agreement with ADOH.

D. The award must be under contract and the project underway within 6 months of the award reservation letter. Failure to proceed by this date will result in the State's recapture of this reservation.

E. All work must be completed within 24 months of the contract award.

F. Acceptance of this award is certification that Recipient will adhere to the provisions of Title I of the Housing and Community Development Act of 1974, as amended ("CDBG").

G. Performance Measures to be met:

- Objective: Suitable Living Environment
- Outcome: Improved Accessibility/Availability
- Indicator(s): Number of people (LMI included) with improved access
- Data Collection Methodology: Document the number of disabled residents living in the service area who have improved access to the park due to ADA-compliant improvements.



FORM 5
COMMUNITY DEVELOPMENT BLOCK GRANT
ACTIVITY DESCRIPTION:
COMMUNITY FACILITIES/BARRIER REMOVAL

1. **Applicant:** Town of Tusayan

2. **Activity Name:** Community Park ADA Improvements

3. **Map(s) attached as page(s):** 11-13

Examples of community facilities include: parks, playgrounds, recreational facilities, libraries, neighborhood facilities, senior citizen centers, and supportive housing facilities for homeless people and other special populations.

4. WHAT ARE YOU GOING TO DO?

Describe the activity and what is intended to be accomplished. See instructions.

The Town of Tusayan will be constructing three ADA compliant restroom structures, additional sidewalks, ADA drinking fountains, and truncated domes at the community park jointly operated by intergovernmental agreement between the Town and the Grand Canyon School District. The park is located at 330 Long Jim Loop, Tusayan, AZ 86023, at the southern end of the Town. (There is not a 9-digit ZIP code assigned to this address by USPS.) The park currently consists of picnic tables, concrete sidewalk, granite compacted parking lot with approximately 30 spaces, and several multi-functional sports courts. Because of the remote location of the Town of Tusayan at the South Rim of the Grand Canyon, the Town will be proposing that the restrooms be pre-fabricated structures to reduce the overall project costs and provide the greatest benefit to the community. It is estimated that this project will benefit approximately 107 disabled residents of Tusayan, all of whom are low-to-moderate income.

5. DO YOU HAVE SITE CONTROL? For all construction or acquisition of land or buildings, complete the following:

- a. Is the site properly zoned and free of restrictive covenants? If no, when will these issues be resolved?
Yes
- b. Are all utilities presently available to the site? If no, which utilities must be brought to the site?
No, water must be extended to the site.
- c. Who has the responsibility for bringing utilities to the site?
The Town of Tusayan
- d. Is this facility ADA compliant, to include parking and areas leading to the facility? If not, what elements are not compliant and what plan does the community have to make them compliant. **NOTE: CDBG may approve funding for a non-compliance element if: a) it is critical, e.g. roof repairs; and b) there is an adequate plan to address compliance. However, CDBG may not approve if it's for something cosmetic and compliance components are not being addressed. Historical exemptions are recognized, but must be evidenced to CDBG.**
Upon completion of this CDBG project, this facility will be ADA compliant.

Quote #: KMEE5010U7-1

Page 1 of 4



, Inc. an L.B. Foster Company

Mailing Address:

CXT Incorporated, an LBFoster Co
3808 North Sullivan Road Bldg #7
Spokane Valley, WA 99216

To: **Michael Taylor Architects**

118 S. Pleasant Street
Prescott, AZ 86303

Attention: Michael Taylor

Phone: (928) 445-0626

Phone: (800) 696-5766

Fax: (509) 928-8270

Date: 03/01/2013

Our quotation for the Double Rocky Mountain building is as follows:

Double Rocky Mountain double vault toilet building with standard simulated cedar shake roof and horizontal lap siding with napa valley rock wall texture, two 16 gauge galvanized steel doors and frames, two plastic risers, ADA grab bars, ADA signs, two 3-roll toilet paper holders, two wall vents, and two, 1000 gallon ABS lined concrete vaults.

Price is Prepaid freight to Tusayan, AZ. Price includes, delivery, crane, excavation, setting building and vault, backfill and compaction. Price includes State tags (if required). Price does not include stamped plans, local permits or taxes.

Site must be accessible to standard over the road semi and trailer. Short trucks are available for an additional cost.

Contractor/owner will be responsible for additional charges if road restrictions require special permits, escorts (private or state patrol) or road closures.

Per Building

\$43,581.29

Adds

Stamped plans	\$1,500.00
Chase (storage room)	\$1,800.00
Plastic urinal	\$ 100.00

Freight

\$43,581.29

FOB: Freight FOB Plant Prepaid and Add.

Terms: Net 30 with Credit Approval.

Notes: Sales tax not included
Number of Units: _____

This quotation is subject to the conditions on the attached sheet and the terms hereof shall constitute the exclusive agreement of the parties and all conflicting or additional terms in Buyer's purchase order or any other such documents of Buyer shall have no force or effect.

L.B. FOSTER COMPANY

By _____

Kurt Mee
KMee@lbfooster.com

Accepted this _____ day of _____ 20____

By: _____ (Customer Name)

_____ (Signed)

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60A

SAMPLE
CONSTRUCTION

ITEM NO. 9

Manager's Report

September 18, 2013

- I. **ADMINISTRATION –**
 - 1) ASRS received the town's application and has begun processing it;
 - 2) Joined Blue Cross Blue Shield on an interim basis for health insurance until Cathleen's work insurance becomes available, which is what Melissa plans to do with Keith's insurance when she gets married September 28, 2013;
 - 3) We received four applications for Maintenance Worker I and interviewed three on the 10th then plan to offer Tim Stine the position this week; and
 - 4) I've made application to State Surplus and am still reviewing the Local Government Investment Pool (LGIP) information, which would require Council approval to join.
- II. **BUDGET –** completed for FY 2014 at about the same amounts as last fiscal year.
- III. **BROADBAND –** NI Solutions (Irshad) latest proposal for task 1 - an enhanced cost benefit analysis for \$7,500 was not accepted by Council and I'm putting together a scope of work for NI Solutions and other companies to quote this work.
- IV. **CDBG –** NACOG has sent town's CDBG application for park improvements (restroom facilities) to ADOH and town received a letter of conditional reservation of funding with items to submit for clarification of this project. We're currently working on these items and will be visiting with members of Council about the scope of this project. A big question is whether to reduce from three (3) smaller restrooms to one larger (2 stalls each) restroom then put any savings, etc. toward extending utilities to this site. Water, sewer and reclaimed water will all be needed to service these proposed improvements and cost estimates with tentative plans need to be developed.
- V. **COMMUNITY PARK –** Council adopted modifications to the park master plan reconfiguring the baseball and soccer fields. We are working with the school as they contract with CREC to perform the clearing and grubbing work for the 3 acre site, which is anticipated to start on September 23rd. Also, Council reviewed rules and approved a draft of them that was sent to the school for their review and input. I emailed Art Babbot regarding the County Parks and Open Space (CPOS) program and Tusayan's desire to be considered for funding.
- VI. **DEVELOPMENT/P&Z MEETING –** The Design Review for the approved Fireside Ridge development will go to P&Z on September 24th. The IMAX has requested a banner of art for the south side of their building which we plan to handle through an Administrative Review as it was done last time for the front banner.

Also, an email from Mr. Matthew J. Nelson, Executive Director of the Arizona Trails Association states, "Greetings from the Arizona Trail Association. Tom Coulson and I met for lunch recently, and I was very excited to hear about the developments with the Tusayan Planning and Zoning Commission. I would be honored to present information at an upcoming meeting for the purposes of integrating the Arizona National Scenic Trail into the long term plans of the town. Both research and experience confirm that towns that grow up with their local National Scenic and Historic Trails as part of a master plan are healthier, more economically stable, and more desirable places to visit and live."

"As the Arizona National Scenic Trail gains in popularity, gateway communities like Tusayan stand the most to gain from domestic and international tourists who are making the AZT a destination. The hiking, running, backpacking, mountain biking and horseback riding potential on the Arizona Trail from Tusayan are unlimited. Making the trail part of the town's future is a wise investment in sustainable economic development." We plan to present this at the October 22nd P&Z meeting.

- VII. DRAINAGE – J2 Engineering is starting phase 2 of the drainage study and is still under the \$40,000 cap for estimated expenditure purposes for this study. I contacted ADOT for aerial maps of this area to assist J2's drainage study of Tusayan. Mr. Rick Glenn of ADOT indicated he would cooperate to get the aerial mapping to J2 for their use, which continues.
- VIII. AVR – Audio Video Resources installed audio visual equipment in the Council Chambers on August 1st and 2nd. They came up again on Friday the 16th to finish up with some issues that arose during their initial installation. However, there continues to be problems with amplification of the microphones at the Council dais as well as recording difficulties at the lectern. AVR has been contacted a number of times, but has yet to resolve these issues. The Town still owes them about half of their fee, which we intend to hold until these matters are resolved to our satisfaction. We just want it to work right.
- IX. AIRS – Kelly of Niles Radio inspected the Beacon tower to determine its structural integrity in order to evaluate the ability to place equipment for internet improvements and possible equipment for the AIRS project. I contacted Tom Foreman of Coconino County and was updated regarding the technical issues surrounding the AIRS program.
- X. SIGNS – town hall signs were installed and still trying to find a way to add the address without spending about \$700. Also, will need signage for park with new rules which the Council will discuss in their September 3rd work session and at their September 4th Council meeting.
- XI. ADOT MAINTENANCE – Waiting now to hear results back from ADOT and consultants of the inspection and when contractors will make improvements and be ready for town to take over the duty of highway maintenance. I've also emailed George Wallace regarding the schedule for constructing the bus shelters and have not heard anything back from him.
- XII. MUNICIPAL CODE – Working through the process of putting code information together for the Council and committee to review according to schedule shown on future meetings. We will be looking at the Animal and Building Codes sections in the next meeting. Also, will be discussing Parks and Recreation in the September 3rd work session in conjunction with park rules.
- XIII. GENERAL PLAN - The draft of Tusayan's General Plan is now on the website and the Council and Commission have redlined copies of this draft for review that we would like to conclude by the 13th so it can be sent out to neighboring communities for a 60 day comment period per statutory requirements. It is anticipated that those comments will be received sometime in November and be ready for Council review and approval probably by late November or early December of this year.
- XIV. PUBLIC OUTREACH –I have visited with John Tatham who said Frida R. of the Chamber and Visitors Bureau will be at the September 18th meeting to discuss ongoing efforts to perform a Marketing and Branding Study and the chamber. Further, Dexter Albert of the Coconino Community College will be here in October to present an update of this community college.